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20AO-CC00222 - ALISON PENDERGRASS V TPUSA-FHCS INC (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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08/17/2020 ☐ Corporation Served

Document ID - 20-SMCC-499; Served To - TPUSA-FHCS, INC. D/B/A TELEPERFORMANCE; Server - SO ST LOUIS COUNTY-CLAYTON; Served Date - 13-AUG-20; Served Time - 09:00:00; Service Type - Sheriff Department; Reason Description - Served

Associated Entries: 08/17/2020 - [Notice of Service](#)

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20-SMCC-499; Electronic Filing Certificate of Service.

Associated Entries: 08/17/2020 - [Corporation Served](#)

07/31/2020 ☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-499, for TPUSA-FHCS, INC. D/B/A TELEPERFORMANCE. Summons issued to the Law Office of Hall Ansley PC for service upon defendant. dja

07/28/2020 ☐ Filing Info Sheet eFiling

Filed By: TIMOTHY A RICKER

☐ [Pet Filed in Circuit Ct](#)

Petition; Exhibit A.

On Behalf Of: ALISON PENDERGRASS

☐ Judge Assigned

Case.net Version 5.14.0.18

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Released 09/01/2020

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI

ALISON PENDERGRASS,)	
)	
Plaintiff,)	
)	
v.)	Case No: _____
)	
TPUSA-FHCS, INC. d/b/a)	
a/k/a TELEPERFORMANCE,)	
<i>Serve Registered Agent:</i>)	
CT Corporation System)	
120 South Central Ave.)	
Clayton, Missouri 63105)	
)	
Defendant.)	

PETITION FOR DAMAGES

COMES NOW Plaintiff, Alison Pendergrass, by and through her attorneys of record, Hall Ansley, P.C. and for her cause of action against TPUSA-FHCS, Inc. d/b/a Teleperformance, states, alleges and avers to the Court as follows:

PLAINTIFF

1. Plaintiff Alison Pendergrass (hereinafter "Plaintiff") is a resident of Jasper County, Missouri.
2. Plaintiff is a female.

DEFENDANT

3. Defendant TPUSA-FHCS, Inc. d/b/a Teleperformance (hereinafter "TPUSA" or "Defendant") is an out-of-state corporation that operates a facility in Joplin, Missouri. TPUSA may be served by serving its registered agent at the address listed in the caption.

VENUE AND JURISDICTION

4. The events described herein occurred in Joplin, Jasper County, Missouri. Accordingly, Plaintiff's damages were first sustained in Jasper County, Missouri.

5. Plaintiff seeks damages in excess of \$25,000.00.

6. Plaintiff filed a timely Charge of Discrimination with the Missouri Commission on Human Rights.

7. The Missouri Commission on Human Rights issued a Right to Sue Letter permitting Plaintiff to file a claim in circuit court. True and correct copies of the Right to Sue Letters are attached hereto and jointly labeled as Exhibit "A." The Right to Sue Letters are incorporated herein by reference.

8. It has been less than ninety (90) days since the Right to Sue Letter was first issued.

9. Pursuant to Section 506.500 RSMo. and Section 508.010(6) RSMo., this Court has jurisdiction and venue in this cause.

FACTS OF THE OCCURRENCE

10. Plaintiff restates, realleges, and incorporates herein all preceding paragraphs of this Petition as though they were fully restated *in haec verba*.

11. Plaintiff began working for Defendant on or about June 17, 2017.

12. In or around June 2018, Plaintiff's supervisor, Chris, began telling stories about his sexual encounters with women he met online.

13. Plaintiff repeatedly requested that Chris stop making such comments, but they happened continuously during the time Plaintiff worked with Chris.

14. In or around November or December of 2018, Chris approached Plaintiff and Debbie Jones and told the women that he had a huge “d*ck.”

15. When Chris made this comment he gestured with his hands to imply the size.

16. On information and belief, Debbie told Plaintiff’s supervisor that her significant other was upset with these comments.

17. Shortly after these events, Plaintiff spoke to others in management about the behaviour she was experiencing.

18. Plaintiff was then moved to a new team.

19. Sometime around February 2019, Plaintiff was placed on a team supervised by an individual named Tony.

20. Before starting on Tony’s team, Plaintiff told management she was uncomfortable because of the way Tony treated Plaintiff, but Plaintiff was placed on Tony’s team despite her concerns.

21. Tony started rubbing Plaintiff’s shoulder, looking down her shirt, and making comments about her clothes, eyes and makeup.

22. Plaintiff again reported the behavior to management.

23. On or about June 19, 2019, Plaintiff was informed that she was being moved to a new team.

24. On or about June 20, 2019, Plaintiff was informed that she would be moved to the night shift even though Defendant knew that Plaintiff could not work the night shift.

25. Plaintiff continued to make reports and was finally able to speak to human resources about the harassment when picking up her check on or about June 21, 2019.

26. Management overheard Plaintiff's comments to human resources and was called into a separate room and berated for allegedly using her leave and for being upset about her position.

27. Plaintiff was suspended that same day.

28. On or about June 26, 2019, Plaintiff received official notification about her termination.

COUNT I

VIOLATIONS OF MISSOURI HUMAN RIGHTS ACT (§ 213.055)

COMES NOW Plaintiff, Alison Pendergrass, by and through her attorneys of record, Hall Ansley, P.C., and for Count I of her cause of action against Defendant states, alleges and avers to the Court as follows:

29. Plaintiff restates, realleges, and incorporates herein all preceding paragraphs of this Petition as though they were fully restated *in haec verba*.

30. As a female Plaintiff is a protected individual pursuant to the Missouri Human Rights Act.

31. Plaintiff was subjected to a discriminatory and harassing work environment due to her gender.

32. A causal nexus exists between the behavior Plaintiff encountered and Plaintiff's membership in the protected group.

33. The acts mentioned above were in violation of RSMo. § 213.055.

34. As a direct and proximate result of the violations described herein, Plaintiff has suffered the following:

- (a) Lost income, including but not limited to back pay, front pay and lost benefits;
- (b) Lost career opportunities, including but not limited to opportunities for advancement, status, pay and benefits; and
- (c) Mental and emotional anguish defined as “garden variety” by Missouri law.

35. Pursuant to the MHRA, RSMo. § 213.111, Plaintiff is entitled to and hereby requests an award of attorney’s fees, prejudgment and post judgment interest at the highest lawful rate on any award or verdict provided.

36. The actions of Defendant were willful, wanton, and in complete indifference to Plaintiff’s rights. These actions are sufficient to justify the award of punitive damages to deter said Defendant, and others similarly situated, from like conduct in the future.

WHEREFORE, Plaintiff prays for an award of damages against Defendant in an amount determined to be fair and reasonable; for an award of attorney’s fees; for an award of post-judgment interest at the highest lawful rate on any judgment rendered; for punitive damages sufficient to deter this Defendant, and those similarly situated, from like actions in the future; and for such other and further relief as the Court deems just and proper under the circumstances.

COUNT II

RETALIATION/VIOLATIONS OF § 213.070, RSMO.

COMES NOW Plaintiff, Alison Pendergrass, by and through her attorneys of record, Hall Ansley, P.C., and for Count II of her cause of action against Defendant, states, alleges and avers to the Court as follows:

37. Plaintiff restates, realleges and reavers herein all preceding paragraph of this Petition as though they were fully stated herein *in haec verba*.

38. Plaintiff was terminated and retaliated against because of her protected reports and her opposition to discrimination and harassment as described above.

39. The acts of Defendant in terminating Plaintiff's employment violate § 213.070.

40. As a direct and proximate result of the retaliation, Plaintiff has suffered the following:

- (a) Lost income, including but not limited to back pay, front pay and lost benefits;
- (b) Lost career opportunities, including but not limited to opportunities for advancement, status, pay and benefits; and
- (c) Mental and emotional anguish defined as "garden variety" by Missouri law.

41. Pursuant to the MHRA, RSMo. § 213.111, Plaintiff is entitled to and hereby requests an award of attorney's fees and post judgment interest at the highest lawful rate on any award or verdict provided.

42. The actions of Defendant were willful, wanton, and in complete indifference to Plaintiff's rights. These actions are sufficient to justify the award of punitive damages to deter said Defendant, and others similarly situated, from like conduct in the future.

WHEREFORE, Plaintiff prays for an award of damages against Defendant in an amount determined to be fair and reasonable; for an award of attorney's fees; for post-judgment interest at the highest lawful rate on any judgment rendered; for punitive damages sufficient to deter said Defendant, and others similarly situated, from like actions in the future; and for such other and further relief as the Court deems just and proper.

HALL ANSLEY,
A Professional Corporation

By: /s/ Timothy A. Ricker
TIMOTHY A. RICKER
Missouri Bar Number 62050
ADAM P. PIHANA
Missouri Bar Number 59540

3275 East Ridgeview
Springfield, Missouri 65808
Telephone: 417/890-8700
Facsimile: 417/890-8855
Email: tricker@hallansley.com
Email: apihana@hallansley.com

Attorneys for Plaintiff



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS **20AO-CC00222**
MISSOURI COMMISSION ON HUMAN RIGHTS

MICHAEL L. PARSON
GOVERNOR

ANNA S. HUI
DEPARTMENT DIRECTOR

Martha Staggs
COMMISSION CHAIRPERSON

ALISA WARREN, Ph.D.
EXECUTIVE DIRECTOR

Exhibit A

Alison Pendergrass
1502 S. Ellis, Apt. 98
Webb City, MO 64870
Via Complainant Attorney Email

NOTICE OF RIGHT TO SUE

RE: Alison Pendergrass vs. TPUSA, INC. A/K/A TELEPERFORMANCE
E-07/19-51172 28E-2019-01252C

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,

Alisa Warren, Ph.D.
Executive Director

April 30, 2020
Date

C: additional contacts listed on next page



3315 W. TRUMAN BLVD.
P.O. Box 1129
JEFFERSON CITY, MO 65102-1129
PHONE: 573-751-3325

111 N. 7TH STREET, SUITE 903
ST. LOUIS, MO 63101-2100
PHONE: 314-340-7590
FAX: 314-340-7238

P.O. Box 1300
OZARK, MO 65721-1300

1410 GENESSEE, SUITE 260
KANSAS CITY, MO 64102
FAX: 816-889-3582

106 ARTHUR STREET
SUITE D
SIKESTON, MO 63801-5454
FAX: 573-472-5321

Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

RE: Alison Pendergrass vs. TPUSA, INC. A/K/A TELEPERFORMANCE
E-07/19-51172 28E-2019-01252C

TPUSA, INC. A/K/A TELEPERFORMANCE
1110 E. 7th Street, Suite 100
Joplin, MO 64801

Karen K. Cain
ATTORNEY AT LAW
900 W. 48th Place, Suite 900
Kansas City, MO 64112
Via Email

Angie Demshar, Paralegal
Hall Ansley, PC
3275 East Ridgeview
Springfield, MO 65804
Via Email



IN THE 29TH JUDICIAL CIRCUIT, JASPER COUNTY, MISSOURI

Judge or Division: DAVID BOYCE MOUTON	Case Number: 20AO-CC00222	FILED Melissa Holcomb - Clerk 7/31/2020 JASPER COUNTY CIRCUIT COURT JOPLIN, MISSOURI
Plaintiff/Petitioner: ALISON PENDERGRASS	Plaintiff's/Petitioner's Attorney/Address TIMOTHY A RICKER 3275 E. Ridgeview St. SPRINGFIELD, MO 65804	
Defendant/Respondent: TPUSA-FHCS INC	Court Address: 601 S. Pearl JOPLIN, MO 64801	
Nature of Suit: CC Employmnt Discrmntn 213.111		

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: TPUSA-FHCS, INC. D/B/A TELEPERFORMANCE

CT CORPORATION SYSTEM
120 S. CENTRAL AVE.
CLAYTON, MO 63105

COURT SEAL OF



JASPER COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

Melissa Holcomb – Circuit Clerk

31-JUL-2020

/S/Dana J. Attwood, D.C.

Date

Deputy Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ _____

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 29TH JUDICIAL CIRCUIT, JASPER COUNTY, MISSOURI

SIB
8-30

Judge or Division: DAVID BOYCE MOUTON	Case Number: 20AO-CC00222	FILED Melissa Holcomb - Clerk 7/31/2020 JASPER COUNTY CIRCUIT COURT JOPLIN, MISSOURI (Date File Stamp)
Plaintiff/Petitioner: ALISON PENDERGRASS	Plaintiff's/Petitioner's Attorney/Address TIMOTHY A RICKER 3275 E. Ridgeview St. SPRINGFIELD, MO 65804	
Defendant/Respondent: TPUSA-FHCS INC	Court Address: 601 S. Pearl JOPLIN, MO 64801	
Nature of Suit: CC Employmnt Discrmntn 213.111		

Summons in Civil Case

The State of Missouri to: TPUSA-FHCS, INC. D/B/A TELEPERFORMANCE

CT CORPORATION SYSTEM
120 S. CENTRAL AVE.
CLAYTON, MO 63105

30
CTCOR
VN

COURT SEAL OF



JASPER COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

Melissa Holcomb - Circuit Clerk

31-JUL-2020

/S/Dana J. Attwood, D.C.

Date

Deputy Clerk

Further Information:

Sheriff's or Server's Return

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- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: **LCW - A. BRANDON** (name) **INTAKE SPECIALIST** (title).

☐ other: _____

Served at **CT CORPORATION** (address)

in **St. Louis County** (County/City of St. Louis), MO, on **AUG 13 2020** (date) at **9 AM** (time).

Nathan Gentry
Printed Name of Sheriff or Server

[Signature]
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ 10.00

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$_____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

AUG 11 2020

050-1

✓
LCW-A. BRANDON
INTAKE SPECIALIST
CT CORPORATION
St. Louis County
AUG 13 2020
8 AM